APPENDIX D

Consideration of Public Comments during the 30-day Comment Period

A preliminary Environmental Assessment (EA) and supporting environmental analyses for the Walker Fire Recovery Project were provided to the public for comment during the 30-day comment period (36 CFR 218). The following individuals and organizations provided timely comments during the 30-day comment period:

- Center for Biological Diversity and the John Muir Project;
- Sierra Pacific Industries; and
- American Forest Resource Council.

This appendix describes how comments have been considered in the environmental analysis for the Walker Fire Recovery Project. Comments submitted by four individuals/groups on the Walker Fire Recovery Project preliminary EA are included in this appendix.

Comment: With respect to the California spotted owl, our primary concern is the owl territories that are occupied in the project area, as identified in Table 24 of the EA: PLU0033, PLU0072, PLU0135, PLU0285. Figure 14 in the EA shows logging units very close to the PLU0072 PAC and overlapping PLU0072 HRCA, but the EA does not discuss PLU0072 to address the harm that salvage logging can cause to this occupied territory. Further, the logging units where PLU0072 is located—e.g. 134, 133, 144, 146, 152—also contain high quality BBWO habitat, per the modeling done. We therefore ask that the USFS drop those units from the project to prevent the serious harm that these units will cause.

Response: Salvage logging is not proposed in PLU0072. Treatment units 133, 134, 144, 146, and 152 were reduced by 53 percent (615 acres reduced to 291 acres) during the comment period based on field reconnaissance. Limited operating periods would be instituted surrounding spotted owl nests or activity centers (specifically the Hungry Owl pair (PLU0072) is within ¼ mile of proposed activities which would be conducted outside of the nesting period). Therefore, short-term adverse effects would be minimized.

Treatment units 133, 134, 144, 146, and 152 were not dropped but they were reduced. The proportion of BBWO habitat affected by the Walker Fire Recovery Project has reduced based on these changes. The salvage harvest would remove 10 percent (303 acres) of the highest quality black-backed woodpecker habitat and 11 percent (751 acres) of moderate quality woodpecker habitat, equating to 11 percent reduction of both high and moderate quality woodpecker habitat (1,054 of 9,688 acres removed, EA **Error! Reference source not found.**).

Using modeling from Campos et al. (2020), initial planning efforts in the Walker Fire excluded large areas of the wildlife analysis area to protect some of the highest quality black-backed woodpecker habitat available. Specifically, most of the southern portion of the Walker Fire area, where there is high quality habitat, was almost completely excluded from proposed harvest.

The Campos et al. 2020 model predicted 2,923 acres of high quality black-backed woodpecker habitat was created during the fire, and 303 acres overlap with treatment units. This equates to 10 percent of high quality habitat overlapping with treatment units that will not be suitable for woodpeckers post implementation. Overall, the Walker Fire created 58,664 acres of high, moderate and low black-backed woodpecker habitat and 89 percent of all habitat qualities would not be treated.

Comment: We are also concerned because the EA appears to rely primarily on Blakesley et al. (2010) to describe the population status of the California spotted owl, which used spotted owl data only up to 2005. The Tempel et al. (2016) publication used data from the same 4 study areas up to 2011, and thus included

6 additional years of data. Tempel et al. (2016) found "territory occupancy declined over time in the Lassen, Eldorado, and Sierra study areas as the result of declining colonization and increasing extinction rates, but increased over time in the Sequoia-Kings Canyon study site…Territory occupancy probabilities in 2011 (Lassen = 0.85, Eldorado = 0.73, Sierra = 0.71, Sequoia-Kings Canyon = 1.00) were lower than at the beginning of the study [1993] in all study areas except Sequoia-Kings Canyon." Thus, the declining occupancy rates evident in the national forest demography studies shows that the owl is in a steep decline on national forest lands and cannot be referred to as stable. Consequently, any harm to occupied owl habitat, such as to the habitat needed by PLU0072, will further contribute to that decline. It is therefore critical to ensure that the owls that are present in the Walker fire project area are not harmed by salvage logging. That is another reason we ask that units near PLU0072 be left alone.

Response: The EA described population decline (Lambda < 1) in the CSO demographic study population closest to the Walker Fire area (the Lassen demographic study area) as well as the Sierra demographic study from Blakesley et al. (2010). The EA also described the realized population declines on both the Lassen and Sierra Study areas, as reported in Conner et al. 2013. "For the Lassen and Sierra National Forests, the evidence suggested a 21% decline and an 11% decline, respectively, while the Sequoia-Kings Canyon National Forest results suggested a 22% increase in the spotted owl populations during the 18 years between 1992 and 2010 (Conner et al. 2013). Therefore, the population decline most relevant to this work was explicitly acknowledged and included in the CSO analysis.

We have further consulted Conner et al. 2016 and Tempel et al. 2014, which suggest that from the 1990s to 2013 in the Sierra Nevada, CSO populations declined within the demography study areas on National Forests by 44 percent (Lassen), 50 percent (Eldorado), and 31 percent (Sierra). We have also considered Tempel et al. 2016, as suggested by the commenter, which showed a 15% decline in territory occupancy probability in the Lassen demography study area, a 17% decline in territory occupancy probability on the Eldorado study area, and a 25% decline in occupancy probability on the Sierra study area between study initiation and 2011. This is very similar, for the Lassen area in particular, to the trends described in Conner et al. 2013, which were explicitly incorporated into the EA. Thus, incorporation of this newer science does not change the analysis assumptions and resulting conclusions. It should also be noted that none of these references incorporate trends beyond 2013, so while we have assumed a continued decline for this analysis, the rate of that decline cannot be confirmed.

Tempel et al. 2016 also note that while they observed territory occupancy rates decline over the study period, canopy cover (which they showed clearly influences occupancy dynamics) remained "relatively constant over the duration of the study", suggesting canopy cover reduction is likely not the culprit of observed population trends on the demographic study areas. Other more recent scientific publications also suggest that these current population declines in the study areas on National Forest System lands are likely not the result of current forest management strategies but are instead likely due to a lag effect from historic large tree removal and a century of fire suppression (Jones et al. 2017), as well as continued fire suppression and other activities that maintain or increase forest homogeneity (e.g. large areas of high severity fire which perpetuate homogeneity), due to effects on high quality CSO prey species (Hobart et al. 2019). Finally, Tempel et al. 2016 conclude with: "Nevertheless, forest treatments that reduce canopy cover within Spotted Owl territories, if judiciously implemented, could maintain Spotted Owl habitat in the short term so that any long-term benefits as a result of reductions in high-severity fire can be realized."

In addition, while the EA noted that "California spotted owl occupancy has been shown to decrease following salvage logging (Lee et al. 2013; Lee and Bond 2015), the methodologies of both of these references were later called into question in: Jones and Peery 2019, and Berigan et al. 2018. Other studies

without these methodological issues show that the effects of severe fire itself are the cause of changes to spotted owl occupancy, not the post-fire harvest that occurs in some areas following the fire (Jones et al. 2016, Jones et al. 2019).

Given all of this scientific evidence, it is clearly unlikely that the proposed action would have any negative effect on the spotted owls in the vicinity.

Comment: The EA MIS doc acknowledges that logging could kill BBWOs and other nesting brids: "Any salvage that occurs in the spring of 2021 would likely have direct mortality resulting from harvest." That must not be allowed, per the Conservation Strategy for black-backed woodpeckers: "To avoid cutting down active nest trees . . . avoid harvest between May 1 and July 4 (though some outlier nests may already be active in late April and others may still be active throughout all of July) . . . ." And an earlier version of the Strategy further notes that this "management recommendation will protect dozens of other nesting bird species associated with burned forests in addition to the Black-backed Woodpecker." See also Point Blue Conservation Science (Campos and Burnett 2016, Campos et al. 2017): "Whenever possible restrict activities that depredate breeding bird nests and young to the non-breeding season (August–March)."

Response: The risk to BBWO has been minimized because only 11 percent of BBWO habitat is being affected (was 17% but some units have been dropped so its lower). The majority of the harvesting within high and moderate BBWO habitat will occur after July 31, which further reduces the amount of good BBWO habitat that will be actively managed during the breeding season.

Monitoring of the black-backed woodpecker across the 10 National Forests in the Sierra Nevada has been conducted since 2008 in partnership with the Institute for Bird Populations (IBP) (USDA Forest Service 2010a, http://www.birdpop.org/Sierra/bbwo.htm). In 2008, black-backed woodpeckers were detected at 68 survey stations distributed across 10 of the 19 fire areas surveyed. In 2009, black-backed woodpeckers were detected at 169 survey station distributed across 28 of the 51 fire areas surveyed. In both years, occupied sites were well distributed across the Sierra Nevada national forests, included burned areas of a variety of sizes, and included areas 1 to 10 years post-fire. These data indicate that black-backed woodpeckers continue to be distributed across the 10 Sierra Nevada National Forests. Additionally, mean occupancy probability for stations surveyed during 2009 was 0.253 (95 percent credible interval: 0.222 – 0.289); applying this probability across the 10 national forests yields an estimate that approximately 81,814 ha (25.3 percent) (range of 71,921 – 93,610 ha) the 323,358 ha of burned forest (burned between 1999 and 2008) on the ten national forest units within monitoring area was occupied by Black-backed Woodpeckers in 2009. In addition, the black-backed woodpeckers continue to be surveyed in the Sierra Nevada at various sample locations by avian point count, spot mapping, mist-net, and breeding bird survey protocols. These are summarized in the 2008 Bioregional Monitoring Report (USDA Forest Service 2008). Current data at the rangewide, California, and Sierra Nevada scales indicate that the distribution of black-backed woodpecker populations in the Sierra Nevada is stable (stable BBWO population (2019 IBP report): "There was no linear trend in point-level occupancy (P = 0.79) or fire-level occupancy (P = 0.95) from 2009 to 2019." (available at: https://birdpop.org/pages/blackBackedWoodpecker.php).

Comment: AFRC provided comments on the Walker Fire Rehabilitation Project Proposed Action on April 13, 2020. We asked for specific information about the low number of acres proposed for salvage harvest. These questions were not addressed in the preliminary EA.

Please provide the following information in the final EA.

1. What are the total acres of commercial fire salvage proposed on lands left in a deforested condition? How many acres will not be commercially salvaged and why in deforested areas? How many acres would not be reforested?

2. A table with acres by California Wildlife Habitat Relationship (CWHR) size class and canopy cover density for the deforested areas within the entire fire not just treatment units (treated and untreated).

Response: **Error! Reference source not found.** in the EA describes the key considerations in the development of the final proposed action (page 5). Of the nearly 25,800 acres of forested vegetation that burned at moderate to high severity, approximately 11,600 acres were originally proposed for treatment. The proposed treatment units were further refined through evaluation of cultural and natural resources, logging systems and economic efficiency, and on-the-ground field assessments, resulting in approximately 3,742 acres proposed for timber harvest treatments. Reforestation is not a proposed action included in this project. Table 12 in the EA provides CWHR size class and canopy cover density for all vegetation burn severities within the Walker Fire perimeter (pages 41-47).

Comment: Sierra Pacific Industries supports: Alternative 1, Proposed Action

1. Salvage Fire-Killed Trees with Ground Based Equipment (approximately 4,200 acres)
2. Maintain the Necessary Road System to Manage the Project Area

To facilitate a thorough appraisal, please provide pre-advertisement information as it becomes available. Cruise information, as well as draft maps will greatly increase the ability of potential purchasers to evaluate the project.

Response: Pre-advertisement information will be provided as soon as it is available.